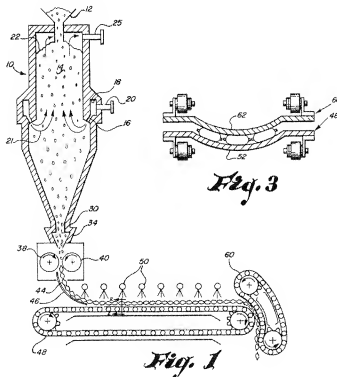


Remarks

The Office Action rejects claims 1, 3, 5, 7 – 9, and 11 – 12, citing 35 U.S.C. §103(a), US 4,072,551 to Dabal et al. (hereinafter, "Dabal"), US 5,073,379 to Klimesch et al. (hereinafter, "Klimesch"), and US 4,196,891 to Sanzenbacher et al. (hereinafter, "Sanzenbacher"). The Office Action asserts Sanzenbacher teaches a method of forming a tablet belt and passing the solidified (cooled) tablet belt underneath a roller that diverts the tablet belt.

At column 3, lines 1 – 18, Sanzenbacher states, "[a] conforming conveyor 60 has mating slats or cross-bars 62 (FIG. 3) which force the briquette strip to assume the contour of the slats. As the briquette strip is forced to assume the curved transverse configuration, the longitudinal web between rows of adjacent briquets is cracked or weakened. As the briquette strip passes around the end of conveyor 48, the center line of each longitudinal row of briquets follows a different length path. The bending stress of the brittle transverse material breaks the web away from the briquets transversely and the difference in path length of each longitudinal row of briquets completes the breaking of the longitudinal web."



Claim 1 as previously presented and claim 12 as currently amended, require a roller to divert a solidified tablet belt in a downward direction from a transport plane. The diverting force is exerted by the roller itself. This is not the case in Sanzenbacher, wherein the diverting force is exerted not by a roller, but by a conforming conveyor 60 (See Sanzenbacher at figure 1 and column 3, lines 2 to 13). The conforming conveyor 60 of Sanzenbacher has a deflecting roller

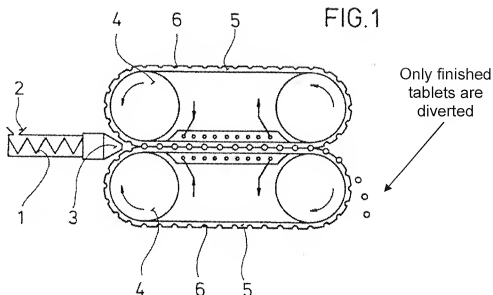
located above the briquette strip, but the deflection roller does not directly exert a force on the briquette strip.

Moreover, the proposed combination of Sanzenbacher, Dabal, and Klimesch would require a substantial reconstruction and redesign of the elements shown in Dabal and Klimesch as well as a change in the basic principle under which Dabal and Klimesch were designed to operate. Therefore, according to MPEP 2143.01 no suggestion or motivation existed to make the proposed combination. Klimesch teaches that only finished tablets are to be diverted from a transport plane to a tangential plane. Likewise, according to Dabal nothing is diverted from one plane to another. The proposed combination would, therefore, involve proceeding contrary to the teachings of both Dabal and Klimesch.

Additionally, the proposed combination would render Dabal unsuitable for its intended purpose, because the proposed combination involves using Klimesch's melt extrusion composition that includes a pharmaceutically active ingredient during Dabal's molding process in order to avoid having to add the active ingredient at a later stage after extrusion. Dabal emphasizes that its prime object is to deposit active ingredient on the moving web surface in an exceptionally uniform manner (See column 15, lines 37 – 40). Dabal also explains, since it is the object of the invention to load the active ingredient to the surface of the web, where any appreciable amount of active substance is absorbed into the web it is necessary to provide a web without active ingredient as the outer surface (See column 17, lines 39 – 58).

The Office Action also rejects claims 13 – 19, citing 35 U.S.C. §103(a), Dabal, and Klimesch. The undersigned respectfully submits a tablet belt cannot be diverted after it is singulated into tablets.

Klimesch does not describe diverting a solidified tablet belt in a downward direction from a transport plane to a tangential plane. As can be seen from Figure 1 of Klimesch a solidified tablet belt is not diverted from one plane to another. Only finished tablets are so diverted.



Likewise, Dabal does not describe diverting a solidified tablet belt in a downward direction from a transport plane to a tangential plane. As can be seen from Figure 5 of Dabal a solidified tablet belt is not diverted from one plane to another.

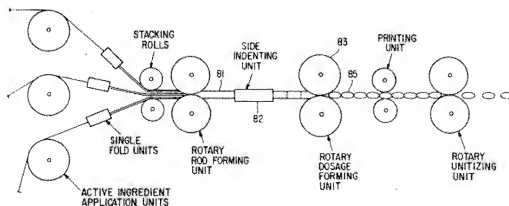


FIG. 5

According to Dabal no force diverts a solidified tablet belt in a downward direction from a transport plane to a tangential plane arranged at an angle relative to the transport plane.

Since neither reference describes diverting a solidified tablet belt in a downward direction from a transport plane to a tangential plane arranged at an angle relative to the transport plane, the references do not obviate claim 1, which

requires asserting upon the tablet belt a force generated by passing the solidified tablet belt underneath a roller that diverts a solidified tablet belt in a downward direction from a transport plane to a tangential plane arranged at an angle relative to the transport plane. Claims 3 and 5 depend from claim 1.

Furthermore, the present invention does not relate to concurrent forming and unitizing. Dabal does not describe its "rotary unitizing unit," schematically depicted in Figure 5, in any detail. The unitizing methods mentioned in column 26 and 27 of Dabal refer either to concurrent forming and unitizing or to cutting operations. Similarly, Klimesh relates to a method and device for concurrent forming and unitizing. On the other hand, the present invention relates to using a force generated by diverting a tablet belt out of its transport plane to unitize (singulate) the belt into individual tablets by breaking the product web connecting the tablets in the belt. Thus, according to the present invention, cutting tools, which may damage the tablets, can be avoided. According to various embodiments of the invention, breaking rollers can be provided with flexible thin plates that do not have to perform cutting operating. Consequently, the present invention avoids damaging the tablets. (See page 8, lines 28 *et seq.* of the present specification).

Claim 12 requires at least one rotatable roller for diverting the tablet belt out of a transport plane of the first transport means and in a downward direction from the transport plane to a tangential plane. Again, neither Klimesch nor Dabal describe diverting a tablet belt from one plane to another. Thus, the combination does not establish a *prima facie* case of obviousness. Claims 7 – 9 and 11 depend from claim 12.

Claim 13 requires singulating a solidified tablet belt by asserting a force generated by diverting the solidified tablet belt in a downward direction from a transport plane to a tangential plane arranged at an angle relative to the transport plane. Again, the combination does not describe this feature and therefore does not establish a *prima facie* case of obviousness. Claims 14 – 19 depend from claim 13.

Again, as discussed above, the proposed combination would render Dabal unsuitable for its intended purpose. The proposed combination involves using Klimesch's melt extrusion composition that includes a pharmaceutically active ingredient during Dabal's molding process in order to avoid having to add the active ingredient at a later stage after extrusion. Dabal emphasizes that its prime object is to deposit active ingredient on the moving web surface in an exceptionally uniform manner (See column 15, lines 37 – 40). Dabal also explains, since it is the object of the invention to load the active ingredient to the surface of the web, where any appreciable amount of active substance is absorbed into the web it is necessary to provide a web without active ingredient as the outer surface (See column 17, lines 39 – 58).

A one-month extension of time is requested. The respective fee is paid by credit card. The Director is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account 14-1437. Please credit any excess fees to such account.

The present application is in condition for allowance, and applicants respectfully request favorable action. In order to facilitate the resolution of any questions, the Examiner is welcome to contact the undersigned by phone.

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